

### **Road Assessments Policy**

According to G.S. 153A-185 and 153A-205, a County may assess property owners for the costs of paving their subdivision or residential streets when at least 75 of the property owners representing at least 75 of the lineal feet of frontage abutting the street have signed a petition requesting such.

The Board adopted a policy to participate in road assessments with property owner participation at the 100 level.

Adopted February 1, 1988.

### **Road Assessments Policy**

Chairman Frye stated that a group of citizens has asked the County to exercise their option under G.S. 153A-185 and 153A-205 to assess property owners for the costs of paving their road when at least 75 of the property owners representing at least 75 of the lineal feet of frontage abutting the street have signed a petition requesting such. The County became involved in road assessments once several years ago with Farley Drive, but in that case 100 of the property owners signed the petition. The County advanced the payment to D.O.T. for the citizens and was then reimbursed later by the citizens. Mr. Frye stated that the Board needs to establish a policy on road assessments. County participation involves extensive paperwork and legal requirements.

Mr. Gavin pointed out that the enabling statute applies only to subdivision streets or residential streets.

Billy Chilton, Tax Assessor, briefed the Board on the Tax Department's role in road assessments and detailed work that was involved with the assessment of Parley Drive. He said that one property owner had never paid his assessment and that the Tax Department is preparing a foreclosure on that property now.

Mr. Gavin advised the Board that their decision would have far-reaching consequences because what they do for one group, they must do for all.

On motion of Langley, seconded by Comer, the Board voted to adopt a policy to participate in road assessments with property owner participation at the 100 level.

## SPECIAL ASSESSMENTS FOR IMPROVEMENTS TO SUBDIVISION & RESIDENTIAL STREETS

. (For Streets That are on the State-Maintained System or That Will, as a Result of the Improvements, Become a Part of the System)

### **AUTHORITY:**

G.S. 153A-205 provides as follows:

(a) A county may finance the local share of the cost of improvements made under the supervision of the Department of Transportation to subdivision and residential streets that are a part of the State maintained system located in the county and outside of a city and shall levy and collect pursuant to the procedures of Article 9 of Chapter 153A of the General Statutes special assessments against benefited property to recoup that portion of the costs financed by the county. The local share is that share required by policies of the Secondary Roads Council, and may be paid by the county from funds not otherwise limited as to use by law. Land owned, leased, or controlled by a railroad company is exempt from such assessments to the same extent that it would be exempt from street assessments of a city under G.S. 160A-222. No project may be commenced under this section unless it has been approved by the Department of Transportation.

(b) A county may finance the local share of the cost of improvements made under the supervision of the Department of Transportation to subdivision and residential streets located in the county and outside of a city in order to bring those streets up to the standards of the Secondary Roads Council so that they may become a part of the State maintained system and shall levy and collect pursuant to the procedures of Article 9 of Chapter 153A of the General Statutes special assessments against benefited property to recoup that portion of the costs financed by the county. The local share is that share required by policies of the Secondary Roads Council, and may be paid by the county from funds not otherwise limited as to use by law. Land owned, leased, or controlled by a railroad company is exempt from such assessments to the same extent that it would be exempt from streets assessments of a city under G.S. 160A-222. No project may be commenced under this section unless it has been approved by the Department of Transportation.

(c) Before a county may finance all or a portion of the cost of improvements to a subdivision or residential street, it must receive a petition for the improvements signed by at least seventy-five percent (75) of the owners of property to be assessed, who must represent at least seventy-five percent (75) of all the lineal feet of frontage of the lands abutting on the street or portion thereof to be improved. The petition shall state that portion of the cost of the improvement to be assessed, which shall be the local share required by policies of the Secondary Roads Council.

Property owned by the United States shall not be included in determining the lineal feet of frontage on the improvement, nor shall the United States be included in determining the number of owners of property abutting the improvement. Property owned by the State of North Carolina shall be included in determining frontage and the number of owners only if the State has consented to assessment as provided in G.S. 153A-189. Property owned, leased, or controlled by railroad companies shall be included in determining frontage and the number of owners to the extent the

property is subject to assessment under G.S. 160A-222. Property owned, leased, or controlled by railroad companies that is not subject to assessment shall not be included in determining frontage or the number of owners.

*Adopted by County Commissioners on January 3, 1989.*

No right of action or defense asserting the invalidity of street assessments on grounds that the county did not comply with this subsection in securing a valid petition may be asserted except in an action or proceeding begun within 90 days after the day of publication of the notice of adoption of the preliminary assessment resolution.

(d) This section is intended to provide a means of assisting in financing improvements to subdivision and residential streets that are on the State highway system or that will, as a result of the improvements, become a part of the system. By financing improvements under this section, a county does not thereby acquire or assume any responsibility for the street or streets involved and a county has no liability arising from the construction of such an improvement or the maintenance of such a street. Nothing in this section shall be construed to alter the conditions and procedures under which State system streets or other public streets are transferred to municipal street systems pursuant to G.S. 136-66.1 and 136-66.2 upon annexation by, or incorporation of a municipality.

### **POLICY:**

The Randolph County Board of Commissioners, on February 1, 1988, unanimously voted to adopt a policy requiring one hundred percent (100) of the owners of property to be benefited to sign the petition requesting that the County finance the local share of the cost of improvements to a subdivision or residential street (Minute Book 13, Page 225).

### **PROCEDURE:**

Portions of the following procedure are summarized from Article 9 of Chapter 153A of the North Carolina General Statutes:

1. A representative of the property owners shall send a letter to the Department of Transportation District Engineer requesting that their street be paved by Property Owner Participation. (G.S. 153A-205)
2. The representative shall provide to the County Manager a copy of the reply from the Department of Transportation District Engineer acknowledging and approving their request to have a street paved by Property Owner Participation. (See Sample Letter on page 26.) This letter should include the following information:
  - a. name and location of the road, including SR number, if applicable
  - b. number of feet to be paved
  - c. total cost to the property owners
  - d. instructions on payment (G.S. 153A-205)
3. The representative shall, on a property map obtained from the Randolph County Tax Department, indicate the street or portion of the street to be considered, clearly marking the beginning and ending points.
4. The County Attorney shall prepare the wording of the petition, and the Tax Department shall prepare the list of names, as disclosed by Tax Department Records, for the petition signatures. (Form #1: Sample Petition)
5. The Tax Supervisor shall examine the petition in order to determine the validity and sufficiency of the signatures on the petition.

6. The Tax Supervisor shall certify to the Board of County Commissioners the sufficiency of the petition. (Form #2: Certificate As to Sufficiency of Petition for the Improvement) (G.S. 153A-205)

7. Whenever the Board of County Commissioners decides to finance the proposed project by special assessments after receipt of the petition and the Tax Supervisor's certificate, it shall first adopt a preliminary resolution that shall contain the following:

- a. A statement of intent to undertake the project;
- b. A general description of the nature and location of the project;
- c. A statement as to the proposed basis for making assessments, which shall include a general description of the boundaries of the area benefited if the basis of assessment is either area or value added;
- d. A statement as to the percentage of the cost of the work that is to be assessed;
- e. A statement as to which, if any, assessments shall be held in abeyance and for how long;
- f. A statement as to the proposed terms of payment of the assessment (may be no more than 10 annual installments bearing interest at the rate of not more than 8 per annum);
- g. An order setting a time and place for a public hearing on the preliminary resolution at some date between three and ten weeks from the date of the adoption of the preliminary resolution. (Form #3: Preliminary Assessment Resolution) (G.S. 153A-190)

8. At least ten days before the date set for the public hearing, the Clerk shall publish a notice that the preliminary assessment resolution has been adopted and that a public hearing will be held on it at a specified time and place. The notice must generally describe the nature and location of the improvement. (Form #4: Notice of Preliminary Resolution and Hearing Thereon) The Clerk shall obtain an affidavit of publication from the newspaper in which the notice is published. (Form #5: Affidavit of Publication for Public Hearing on Preliminary Assessment Resolution) (G.S. 153A-191)

9. At least ten days prior to the hearing, the Tax Supervisor shall mail copies of the preliminary resolution to all persons and entities listing property subject to the assessment. The person mailing the copies certifies to the Board of Commissioners that the copies were mailed first class and specifies the date they were mailed. (Form #6: Certificate Showing That Preliminary Resolutions Were Mailed to All Persons and Entities Listing Subject to Assessment) (G.S. 153A-191)

10. At the public hearing, the Board of Commissioners shall hear all interested persons who appear with respect to any matter covered by the preliminary resolution. (G.S. 153A-192)

11. After the public hearing, the Board of Commissioners shall adopt a final assessment resolution directing that the project or portions thereof by undertaken. (Form #7: Final Assessment Resolution) The resolution must describe the project in general terms (which may be by reference to projects described in the preliminary resolution) and must set forth the following:

- a. The basis on which the special assessments will be made, together with a general description of the boundaries of the area benefited, if the basis of assessment is either area or value added;
- b. The percentage of the cost to be specially assessed;
- c. The terms of payment. (G.S. 153A-192)

G.S. 153A-192 also requires that the percentage of cost to be assessed not be different from the percentage proposed and that the project authorized not be greater in scope than those described in the preliminary resolution. If the Board of Commissioners decides that a different percentage of the cost should be assessed than proposed, or that any project should be enlarged, it must adopt and advertise a new preliminary resolution.

12. Upon completion of the improvement project, the Board of Commissioners shall ascertain the project's total cost. In determining total cost, the Board may include construction costs, the cost of necessary legal services, the amount of interest paid during construction, the cost of rights-of-way, and the cost of publishing and mailing notices and resolutions. The Board's determination of the total cost of a project is conclusive. The Board of Commissioners shall pass a resolution declaring cost, ordering preliminary assessment roll, and setting public hearing on preliminary assessment roll. (Form #8: Resolution Declaring Cost, Ordering Preliminary Assessment Roll, and Setting Public Hearing) G.S. 153A-193)

13. The Tax Department then prepares a preliminary assessment roll. The roll shall contain a brief description of each lot, parcel, or tract of land assessed, the basis for the assessment, the amount assessed against each, the terms of payment, and the name of the owner of each lot, parcel or tract. (Form #9: Assessment Roll For Street Improvements) This must be filed in the Clerk's office and be available for public inspection. (G.S. 153A-194)

14. At least 10 days before the date set for the public hearing on the preliminary assessment roll, the Clerk publishes a public notice of the completion of the preliminary assessment roll, setting forth in general terms a description of the project, noting the availability of the assessment roll in the Clerk's office for inspection, and stating the time and place for the hearing on the preliminary assessment roll. (Form #10: Notice of Completion of Preliminary Assessment Roll and of Public Hearing) The Clerk shall obtain an affidavit of publication from the newspaper in which the notice is published. (Form #11: Affidavit of Publication for Public Hearing on Preliminary Assessment Roll) (G.S. 153A-194)

15. The Tax Supervisor shall then issue a public notice, which is mailed with a copy of the preliminary assessment roll to each affected property owner at least 10 days before the hearing. (Form #12: Notice of Hearing on Preliminary Assessment Roll) The person mailing these notices shall certify to the Board of Commissioners that the copies were mailed first class and the date mailed. (Form #13: Certificate Showing Notices of the Public Hearing and Preliminary Assessment Roll Were Mailed to Owners of Property Shown on the Roll) (G.S. 153A-194)

16. At the public hearing, the Board of Commissioners shall hear all interested persons who appear with respect to the preliminary assessment roll. After the hearing, the Board shall annul, modify, or confirm the assessment roll. (Form #14: Resolution Confirming Assessment Roll and Levying Assessment) When the Board confirms the assessment roll, the Clerk must enter in the minutes of the Board the date, hour, and minute of confirmation. From the time of confirmation, each assessment is a lien on the property assessed of the same nature and to the same extent as the lien for county or city property taxes. (G.S. 153A-195)

17. After the meeting the Clerk shall deliver a copy of the assessment roll to the Tax Collector for collection. (G.S. 153A-195)

18. No earlier than 20 days from the date the assessment roll is confirmed, the Clerk must publish once a notice that the roll has been confirmed. The notice shall also state that assessments may be paid without interest at any time before the expiration of 30 days from the date that the notice is published and that if they are not paid within this time, all installments thereof shall bear interest as determined by the Board of Commissioners. (Form #15: Notice of Confirmation of Assessment Roll and Levying of Assessments) The Clerk shall obtain an affidavit of publication from the newspaper in which the notice is published. (Form #16: Affidavit of Publication for Notice of Confirmation of Assessment Roll) (G.S. 153A-196)

19. If the owner of, or any person having an interest in, a lot, parcel or tract of land against which an assessment is made is dissatisfied with the amount of the assessment, he may, within 10 days after the day the assessment roll is confirmed, file a notice of appeal to the appropriate division of the General

Court of Justice. He shall then have 20 days after the day the roll is confirmed to serve on the Board of Commissioners or the Clerk a statement of facts upon which the appeal is based. (G.S. 153A-197)

20. No earlier than 20 days from the date the assessment roll is confirmed, the Tax Supervisor shall mail to each affected property owner a copy of the final assessment roll which has the "Statement of Terms and Payment" section completed. (Form #17: Assessment Roll For Street Improvements)

21. With respect to payment by installment, the Board may provide:

- a. That the first installment with interest is due on the date when property taxes are due, and one installment with interest is due on the same date in each successive year until the assessment is paid in full, or
- b. That the first installment with interest is due 60 days the date that the assessment roll is confirmed, and one installment with interest is due on that same day in each successive year until the assessment is paid in full. (G.S. 153A-199)

22. If an installment of an assessment is not paid on or before the due date, all of the installments remaining unpaid immediately become due, unless the Board of Commissioners waives acceleration. The County may foreclose assessment liens under any procedure provided by law for the foreclosure of property tax liens, except that (a) lien sales and lien sale certificates are not required and (b) foreclosure may be begun at any time after 30 days after the due date. The foreclosure procedure must be begun within 10 years from the date that the assessment or the earliest installment thereof included in the proceeding became due. (G.S. 153A-200)

### **FORMS:**

The following forms are intended as sample forms only. Specific wording may change to reflect individual situations.

### **STREET ASSESSMENT SCHEDULE:**

Following the Forms section of this policy is a Street Assessment Schedule (see page 27). This schedule is in the format of a time line, detailing the procedural sequence of events the County must complete each time it undertakes a street paving project.

FORM #1  
SAMPLE PETITION

To the North Carolina Department of Transportation and Randolph County:

We, the undersigned, being all the property owners abutting the state road identified below, do hereby petition the Department of Transportation of North Carolina to pave that portion of S.R. \_\_\_\_, beginning at its intersection with S.R. \_\_\_\_, thence (Direction) \_\_\_\_ feet, by Property Owner Participation.

We do further petition Randolph County to finance the local share of the cost of such paving, under the provisions of North Carolina General Statutes, Section 153A-205, and to levy and collect by special assessments against our property so benefited the portion of the costs financed by the County.

That portion of the cost of the paving to be assessed is \_\_\_\_\_.

We understand that such assessment shall be repaid upon such terms and conditions as the Board of Commissioners of Randolph County shall determine.

This \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

**Instructions to Petition Signers**

The signature sheet for this petition is attached. Please read the following instructions before signing the signature sheet.

1. All owners of lands abutting the road must sign to make the petition valid.
2. The petition must be signed by both husband and wife where the deed to the property is held in both names.
3. All signatures should match the names as they appear on the printed list on the signature sheet.
4. If the property is owned by the heirs or beneficiaries of an estate, all the heirs or beneficiaries must sign.
5. If the property is owned by a corporation, the petition must be signed in the corporate name by the President or Vice President and attested by its Secretary or Assistant Secretary.
6. If this project is approved and any property owner fails to pay an installment on or before the due date, all of the installments remaining unpaid immediately become due. State law then requires the County to initiate foreclosure proceedings against that property.



FORM #2

CERTIFICATE AS TO SUFFICIENCY OF PETITION FOR THE IMPROVEMENT  
TO THE RANDOLPH COUNTY BOARD OF COMMISSIONERS:

I, \_\_\_\_\_, Tax Supervisor of the County of Randolph, North Carolina, do hereby certify that the attached petition of property owners for the improvement of \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ was lodged with me on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; that I have investigated the sufficiency of the said petition; and that the result of my investigation is as follows:

The total number of owners of the lands abutting upon the street (or streets or part of street or streets) proposed by the said petition to be improved is \_\_\_\_\_. The number of said owners who signed the petition is \_\_\_\_\_. I find that the said petition is in all respects sufficient and in conformity with all the requirements of Chapter 153A, Article 9 of the General Statutes of North Carolina. I find also that the street (or streets or part of a street or streets) proposed by the said petition to be improved is (or are) or has been (or have been) definitely laid out, and that the boundaries of the same have been definitely fixed.

This is the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Tax Supervisor

NOTARY PUBLIC:

Certified before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My commission expires: \_\_\_\_\_.

Notary Public

FORM #3

PRELIMINARY ASSESSMENT RESOLUTION

WHEREAS, a petition has been submitted to the Randolph County Board of Commissioners requesting assistance in the financing of the improvement and paving of State Road \_\_\_\_, said road also shown as \_\_\_\_\_ on a plat recorded in Plat Book \_\_\_\_, Page \_\_\_\_, in the Office of the Register of Deeds of Randolph County; and

WHEREAS, a preliminary determination has been made that the street (or streets, road or roads, or rights of way) set out above is without paving, and that public interest requires that asphalt paving be made available on the street (or streets, road or roads, or rights of way) within the limits set out, and that abutting property will be benefited to the extent of the part of the cost thereof to be assessed against such abutting property; and

WHEREAS, the local improvements proposed to be made on the street (or streets, road or roads, or rights of way) hereinabove set out are as follows:

ASPHALT PAVING IMPROVEMENTS: That asphalt paving be installed by the North Carolina Department of Transportation on the street (or streets, road or roads, or rights of way) hereinabove named within the limits defined; and WHEREAS, if the local improvements are ordered made by the North Carolina Department of Transportation, the County of Randolph shall remit to the North Carolina Department of Transportation the proportion of the cost thereof representing the total share as required by policies of the North Carolina Department of Transportation's Secondary Roads Council; and

WHEREAS, the County of Randolph shall then cause the proportion of the cost thereof to be specially assessed and the terms of payment will be as follows:

(a) The cost of not exceeding the local share of cost as required by policies of the North Carolina Department of Transportation's Secondary Roads Council for asphalt paving as lie within the limits of the street (or streets, road or roads, or rights of way) hereinabove proposed to be improved, together with intersectional asphalt paving costs and those administrative and legal costs set out in N.C.G.S. 153A-193, will be assessed against the property abutting on the street or road, or right of way, such cost to be assessed against the lots and tracts of land abutting on the street (or streets, road or roads, or rights of way) according to their respective frontages thereon by an equal rate per foot of such frontage, and provided, further, that the maximum amount which shall be assessed for the asphalt paving is \$\_\_\_\_\_ per foot of the frontage, plus the pro-rata share of other costs set out above.

(b) Terms of Payment: The assessments shall be payable in \_\_\_\_ equal annual installments, which installments shall bear interest at the rate of \_\_\_\_percent ( ) per annum from the date of confirmation of the assessment roll; provided that any such assessment may be paid in full in cash without the addition of interest within thirty days from the date of publication of the notice of the confirmation of the assessment roll.

NOW, THEREFORE, BE IT RESOLVED:

(a) That a public hearing will be held by the Randolph County Board of Commissioners at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, in the Commissioners' Room in the Randolph County Courthouse, Asheboro, North Carolina, to determine finally whether the assistance in financing the road improvements shall be made.

(b) That all objections to the legality of the making of the improvements shall be made in writing, signed in person or by attorney, and filed with the Clerk to the Board at or before the time of the public hearing. Any such objections not so made will be waived.

This the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

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Chairman

Randolph County Board of Commissioners

**CERTIFICATE:**

This is to certify that the Randolph County Board of Commissioners adopted the foregoing resolution at a meeting held on \_\_\_\_\_, 19\_\_.

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Clerk to the Board

(At least 10 days prior to the public hearing set by this resolution, copies of this resolution must be mailed by the Tax Supervisor to all owners of property subject to the assessment.)

FORM #4

NOTICE OF PRELIMINARY RESOLUTION AND HEARING THEREON

The public will take notice that a preliminary assessment resolution pertaining to the proposed street improvement project on that portion of S.R. \_\_\_\_, located in \_\_\_\_\_ Township, as requested in a petition submitted by the owners of abutting properties on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, was adopted by the Randolph County Board of Commissioners on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. If a final resolution is adopted, owners of property abutting the improved portion of the road will be assessed their proportionate share of the cost of the improvement. (Generally describe the nature of the improvement.)

The Randolph County Board of Commissioners will hold a public hearing in \_\_\_\_\_, Asheboro, North Carolina, on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at (time) for the purpose of hearing all interested persons who appear with respect to any matter covered by the preliminary resolution.

Any objections to the legality of the making of the improvements shall be made in writing, signed in person or by attorney, and filed with the Clerk to the Board at or before the time of the public hearing. Any such objections not so made will be waived.

In accordance with G.S. 153A-205, no right of action or defense asserting the invalidity of street assessments on grounds the County did not comply in securing a valid petition may be asserted except in an action or proceeding begun within 90 days after the day of publication of the notice of adoption of the preliminary assessment resolution.

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Clerk to the Board

(This notice must be published in a newspaper of general circulation at least 10 days prior to the date set for the public hearing.)

FORM #5  
AFFIDAVIT OF PUBLICATION FOR PUBLIC HEARING  
ON PRELIMINARY ASSESSMENT RESOLUTION

NORTH CAROLINA  
RANDOLPH COUNTY

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally

appeared \_\_\_\_\_  
who being first duly sworn, deposes and says: that

he is \_\_\_\_\_ of The Randolph Guide, engaged in the publication of a newspaper known as The Randolph Guide, published, issued and entered as second class mail in the City of Asheboro, in said County and State; and that he is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in The Randolph Guide on the following dates:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina, and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

\_\_\_\_\_  
Sworn to and subscribed before me, this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

Copy of  
Notice  
Goes Here

FORM #6

CERTIFICATE SHOWING THAT PRELIMINARY RESOLUTIONS WERE MAILED TO ALL  
PERSONS AND ENTITIES LISTING SUBJECT TO ASSESSMENT

TO THE RANDOLPH COUNTY BOARD OF COMMISSIONERS:

I, \_\_\_\_\_, County Tax Supervisor of Randolph County, North Carolina, do hereby  
certify that copies of the preliminary assessment resolution adopted on the \_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_, pertaining to the proposed street improvement and paving project on State  
Road \_\_\_\_\_, located in \_\_\_\_\_ Township, were mailed by first class mail on the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_, to the owners of all property subject to assessment should the project be  
undertaken.

\_\_\_\_\_  
Tax Supervisor

NOTARY PUBLIC

Certified before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My commission expires \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

FORM #7

FINAL ASSESSMENT RESOLUTION

WHEREAS, the Board of County Commissioners on \_\_\_\_\_, 19\_\_\_\_, adopted a preliminary assessment resolution giving notice of intention to assist in the financing of the improvement and paving of State Road \_\_\_\_\_, said road also shown as \_\_\_\_\_ on a plat recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_, in the Office of the Register of Deeds of Randolph County; and

WHEREAS, due notice has been given that on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, in the Commissioners' Room in Asheboro, North Carolina, a public hearing would be held on whether the assistance in financing the road improvements hereinafter described shall be made and that all objections to the legality of the making of such financial assistance are required by law to be made in writing, signed in person or by attorney, and filed with the Clerk to the Board at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and any objections made concerning the financial assistance have been considered;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF RANDOLPH:

1. That the street (or streets, road or roads, or rights of way) herein set out is without paving, and public interest requires that asphalt paving be made available, and that abutting property will be benefited to the extent of the part of the cost thereof to be assessed against such abutting property.
2. If the local improvements are ordered made by the North Carolina Department of Transportation, the County of Randolph shall remit to the North Carolina Department of Transportation the proportion of the cost thereof representing the total local share as required by policies of the North Carolina Department of Transportation's Secondary Road Council.
3. That the local improvements to be made on the street (or streets, road or roads, or rights of way) set out above are as follows:

That asphalt paving be installed by the North Carolina Department of Transportation on the street (or streets, road or roads, or rights of way) hereinabove named within the limits defined.

4. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payments will be as provided in the Preliminary Assessment Resolution which was served on the owners of the property to be assessed.

This the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Form #7

Page 2

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Chairman

Randolph County Board of Commissioners

CERTIFICATE:

This is to certify that the Randolph County Board of Commissioners adopted the foregoing resolution at a meeting held on \_\_\_\_\_, 19\_\_.

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Clerk to the Board



FORM #8

RESOLUTION DECLARING COST, ORDERING PRELIMINARY ASSESSMENT ROLL,  
AND SETTING PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL

WHEREAS, Article Nine, Chapter 153A of the General Statutes of North Carolina permits the special assessment against benefited property to recoup portions of costs for the improvements to subdivision and residential streets; and

WHEREAS, on \_\_\_, 19\_\_\_, the Randolph County Board of Commissioners adopted a preliminary assessment resolution giving notice of the intention to assist in the financing of the improvement and paving of State Road \_\_\_, said road also known as \_\_\_\_\_, on a plat recorded in Plat Book \_\_\_, Page \_\_\_, in the Office of Register of Deeds of Randolph County; and

WHEREAS, said improvement has been made and the County now desires to determine costs and adopt a preliminary assessment roll; NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that the total project cost for the paving of State Road \_\_\_ is \$\_\_\_\_\_.

BE IT FURTHER RESOLVED that the Tax Supervisor prepare the preliminary assessment roll. Specifically it shall contain a description of the tracts of land assessed, the basis for the assessment, the amount assessed, the terms of payment, and the names of the owners.

BE IT FURTHER RESOLVED that the Randolph County Board of Commissioners direct the assessment roll to be filed in the Office of the Commission Clerk for a period beginning \_\_\_\_\_, and ending \_\_\_\_\_. During this time, the preliminary assessment roll will be available for public inspection.

BE IT FINALLY RESOLVED that the Randolph County Board of Commissioners set \_\_\_\_\_, 19\_\_\_, as the date on which a public hearing will be held relative to the preliminary assessment roll. The public hearing shall be held at \_\_\_\_\_ in the Randolph County Commissioners Meeting Room.

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Chairman

Randolph County Board of Commissioners

CERTIFICATE:

This is to certify that the Randolph County Board of Commissioners adopted the foregoing resolution at a meeting held on \_\_\_\_\_, 19\_\_\_.

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Clerk to the Board

FORM #10

NOTICE OF COMPLETION OF PRELIMINARY ASSESSMENT ROLL AND OF PUBLIC  
HEARING THEREON

The public will take notice that the preliminary assessment roll for the street improvement project on SR\_\_, which was completed on the \_\_ day of \_\_\_\_\_, 19\_\_, has been prepared by the Randolph County Tax Supervisor. (Generally describe the nature of the improvement.) The preliminary assessment roll will be available for public inspection in the office of the Clerk to the Board of Commissioners until the date set for the public hearing on the preliminary assessment roll, (\_\_\_\_\_). The Randolph County Board of Commissioners will hold a public hearing in \_\_\_\_\_, Asheboro, North Carolina on the \_\_ day of \_\_\_\_\_, 19\_\_, at (time) for the purpose of hearing objections to the preliminary assessment roll from all interested persons who appear. Any property owner subject to the proposed assessment who wishes to file a notice of appeal on the amount of assessment must do so within 10 days after the day the assessment roll is confirmed.

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Clerk to the Board of County Commissioners

(This notice must be published at least 10 days before the date set for the hearing on the preliminary assessment roll.)

FORM #11  
AFFIDAVIT OF PUBLICATION FOR PUBLIC HEARING  
ON PRELIMINARY ASSESSMENT ROLL

NORTH CAROLINA  
RANDOLPH COUNTY

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally

appeared \_\_\_\_\_  
who being first duly sworn, deposes and says: that

he is \_\_\_\_\_ of The Randolph Guide, engaged in the publication of a newspaper known as The Randolph Guide, published, issued and entered as second class mail in the City of Asheboro, in said County and State; and that he is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in The Randolph Guide on the following dates:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes, of North Carolina, and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

Sworn to and subscribed before me, this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

Copy of  
Notice  
Goes Here

FORM #12

NOTICE OF HEARING ON PRELIMINARY ASSESSMENT ROLL

Notice shall be taken that the street improvement on SR\_\_\_\_\_, as requested in a petition submitted by the owners of abutting properties on the \_\_\_\_\_ day of \_\_\_, 19\_\_\_\_, and as ordered by Resolution of the Randolph County Board of Commissioners, duly passed on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, has been completed, and that the Board of Commissioners has ascertained and determined the cost thereof. The Board of Commissioners has caused to be prepared an Assessment Roll showing each individual property owner's proportionate share of the cost of said improvement, and the said Assessment Roll has been deposited in the office of the Clerk to the Board of Commissioners for inspection by interested citizens. The Board of Commissioners will hold a public hearing at \_\_\_\_\_ in the \_\_\_\_\_, on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for the purpose of hearing allegations and objections with respect to the said Assessment Roll.

---

Clerk to the Board of County Commissioners

(A copy of this notice must be mailed to each affected property owner at least 10 days before the hearing. Each notice must show amount assessed of the owner to which it is mailed. This is accomplished by including a copy of the assessment roll with each notice.)

FORM #13

CERTIFICATE SHOWING NOTICES OF THE PUBLIC HEARING AND PRELIMINARY  
ASSESSMENT ROLL WERE MAILED TO OWNERS OF PROPERTY SHOWN ON THE ROLL

TO THE RANDOLPH COUNTY BOARD OF COMMISSIONERS:

I, \_\_\_\_\_, Tax Supervisor of the County of Randolph, North Carolina, do hereby certify that  
notices of the public hearing on the assessment roll for the street improvement project on SR \_\_\_\_\_,  
\_\_\_\_\_ Township, were mailed by first-class mail on the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, to the owners of the property shown on the preliminary assessment roll.

This notice included a copy of the preliminary assessment roll.

\_\_\_\_\_  
Tax Supervisor

NOTARY PUBLIC:

Certified before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My commission expires; \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

FORM #14

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS

WHEREAS, the Randolph County Board of Commissioners has on this day held a public hearing, after due notice as required by law, on the Assessment Roll for the improvement of SR\_\_; and

WHEREAS, the Board of Commissioners has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct;

NOW, THEREFORE, BE IT RESOLVED by the Randolph County Board of Commissioners that:

1. The Assessment Roll for the improvement of SR\_\_ is hereby declared to be correct and is hereby confirmed in accordance with Chapter 153A-195 of the General Statutes of North Carolina.
2. The Randolph County Board of Commissioners, pursuant to authority conferred by Chapter 153A-205 of the General Statutes of North Carolina, does hereby levy assessments as contained in the said Assessment Roll, as follows:
  1. (List Assessments as they appear on Roll)
  2. The Clerk to the Board of Commissioners is hereby directed to deliver to the Randolph County Tax Collector the said Assessment Roll.
  3. The Randolph County Tax Collector is hereby charged with the collection of the said assessments in accordance with the procedure established by Article Nine of Chapter 153A of the
  4. General Statutes of North Carolina.
5. The Clerk is hereby further directed to publish once on the \_\_ day of \_\_\_\_, 19\_\_, the notice required by Chapter 153A-196 of the General Statutes of North Carolina.

This, the \_\_ day of \_\_\_\_, 19\_\_.

\_\_\_\_\_  
Chairman

Randolph County Board of Commissioners

CERTIFICATE:

This is to certify that the Randolph County Board of Commissioners adopted the foregoing resolution at a meeting held on \_\_\_\_, 19\_\_.

\_\_\_\_\_  
Clerk to the Board

FORM #15'

NOTICE OF CONFIRMATION OF ASSESSMENT ROLL AND LEVYING OF  
ASSESSMENTS

The Public will take notice that the Assessment Roll for the improvement of S.R. \_\_\_\_ was duly confirmed by the Randolph County Board of Commissioners, and the assessments therein contained duly levied, on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_.

Any assessments contained in said Assessment Roll may be paid in cash, without interest, to the Randolph County Tax Collector, prior to the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. (\*\*NOTE THAT THIS DATE MUST BE WITHIN THIRTY DAYS AFTER THE FIRST PUBLICATION OF THIS NOTICE.) Any property owner listed on said Assessment Roll may elect to pay his assessment in \_\_\_\_\_ (not more than 10) annual installments, with interest at \_\_\_\_ (not more than 8) percent per annum from the date of confirmation of the Assessment Roll.

---

Clerk to the Board of County Commissioners

(This notice must be published after twenty days from confirmation of the assessment roll.)



AFFIDAVIT OF PUBLICATION FOR PUBLIC HEARING  
ON PRELIMINARY ASSESSMENT ROLL

NORTH CAROLINA  
RANDOLPH COUNTY

AFFIDAVIT OF PUBLICATION

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally

appeared \_\_\_\_\_  
who being first duly sworn, deposes and says: that

he is \_\_\_\_\_ of The Randolph Guide, engaged in the publication of a newspaper known as The Randolph Guide, published, issued and entered as second class mail in the City of Asheboro, in said County and State; and that he is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in The Randolph Guide on the following dates:

Copy of  
Notice  
Goes Here

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes, of North Carolina, and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

\_\_\_\_\_  
Sworn to and subscribed before me, this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

SHEET NO. \_\_\_\_\_ of \_\_\_\_\_

**DESCRIPTION:** Paving State Road

PARCEL NO. \_\_\_\_\_

NAME: \_\_\_\_\_ Acct. #: \_\_\_\_\_

TAX MAP: \_\_\_\_\_ TRACT NO.: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

LOT # \_\_\_\_\_ of Subdivision \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

DATE: \_\_\_\_\_, 19 \_\_\_\_

PROPERTY DESCRIPTION:	<u>TRANSFERRED TO:</u>
NAME:	Acct. #:

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_

DATE: \_\_\_\_\_, 19\_\_\_\_

BASIS ASSESSED	AMOUNT ASSESSED	PAYMENTS DATE	PAYMENTS AMOUNT	DISTRIBUTION PRINCIPAL	DISTRIBUTION INTEREST	PENALTY	UNPAID BALANCE

A Statement of terms and payments is on the back of this sheet. (for use after the assessment roll has been confirmed).



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION  
Asheboro, N. C. 27204  
April 22, 1988

JAMES G. MARTIN  
GOVERNOR

JAMES E. HARRINGTON  
SECRETARY

DIVISION OF HIGHWAYS

GEORGE E. WELLS, P.E.  
STATE HIGHWAY ADMINISTRATOR

Randolph County

Subject: Request for Property Owner Participation Paving for  
SR 2281 from SR 2279 thence 1,650' South

Ms. Patricia Jennings  
Route 4, Box 117  
Randleman, N.C. 27317


Dear Ms. Jennings:

This is to acknowledge your letter of April 19, 1988, requesting that SR 2281, from SR 2279, thence south 1,650', be paved by Property Owner Participation.

The cost to the property owners for the paving of this road will be \$13,200. Mr. Richard Pugh, Board of Transportation Member, is supporting this project; therefore, if you concur, please present a certified or cashier's check, made payable to the N. C. Department of Transportation, to this office in the amount of \$13,200 by September 1, 1988.

If additional information is needed, please advise.

Kindest regards,

  
Lex A. Kelly, P.E.  
District Engineer

LAK:la

cc: Mr. Richard K. Pugh  
Mr. F. E. Whitesell  
Mr. R. J. Nelson

# ROAD ASSESSMENT SCHEDULE

